

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Dutta et al.**

Serial No.: **09/838,368**

Filed: **April 19, 2001**

**For: Automatic Backup of Wireless
Mobile Device Data onto Gateway
Server While Device is Idle**

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Group Art Unit: **2152**

Examiner: **Refai, Ramsey**

Attorney Docket No.: **AUS920010016US1**

35525
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the office action dated August 11, 2006 finally rejecting claims 1-4, 6-21 and 23-39.

No fees are believed to be required. In the event that any fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

/Wayne P. Bailey/
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